



Entered on Docket  
February 26, 2009

Kim Ri

**Hon. Linda B. Riegle  
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT**

## **District of Nevada (Las Vegas)**

9 ) Case No. 06-10725-LBR  
10 USA Commercial Mortgage Company, ) Chapter 11  
11 Debtor. ) Settlement Conference  
DATE: April 23, 2009  
TIME: 9:30 a.m.

## **ORDER ESTABLISHING PROCEDURES FOR JUDICIAL SETTLEMENT CONFERENCE**

14 Pursuant to the request of the parties, a settlement conference on the *Objection to Claim No. 792*  
15 *of Copper Sage Commercial Center LLC* (docket # 3077) is hereby scheduled for **April 23, 2009 at 9:30**  
16 **a.m.** before the Honorable Randall J. Newsome, at the United States Bankruptcy Court for the District  
17 of Nevada, Foley Federal Bldg, 2<sup>nd</sup> Floor, Courtroom 4, 300 Las Vegas Boulevard South, Las Vegas,  
18 Nevada.

19        Each party shall serve upon the other parties and by no later than 2:00 p.m. on April 9,  
20 2009 LODGE with chambers, DO NOT FILE WITH THE CLERK'S OFFICE, a Settlement  
21 Conference Statement of no longer than 10 pages in length, excluding exhibits. Chambers is  
22 located at 1300 Clay Street, Courtroom 220, Oakland, California.

23                   Subject to restrictions on document size, the Settlement Conference Statement may be **LODGED**  
24 via an e-mail attachment in a PDF, WordPerfect or MS Word format sent to  
25 [laura\\_lee@canb.uscourts.gov](mailto:laura_lee@canb.uscourts.gov) or to [ron\\_mastroianni@canb.uscourts.gov](mailto:ron_mastroianni@canb.uscourts.gov). Such e-mail address may be  
26 utilized only to **LODGE** a Settlement Conference Statement and may **NOT** be utilized to communicate  
27 with the Court regarding this or any other matter. Contact chambers at 510-879-3530 or 510-879-3532  
28 **at least one day in advance of the lodging deadline** to make arrangements to **LODGE** a Settlement

1 Conference Statement.

2 **Contents of Settlement Conference Statement**

3 The Settlement Conference Statement shall set forth in the upper right hand corner:

4 **"CONFIDENTIAL - NOT TO BE FILED PURSUANT TO ORDER OF THE COURT - LODGE**  
**5 WITH THE CHAMBERS OF JUDGE NEWSOME."**

6 The Settlement Conference Statement shall contain information which would be helpful to the  
7 settlement judge, including:

8 (a) A brief statement of the facts specifying those facts upon which the parties agree and the  
9 major facts in dispute;

10 (b) A brief statement of the claims and defenses, with citation of particular statutory or other  
11 authority which is controlling in the matter;

12 (c) The specific relief sought;

13 (d) An estimate of the cost and time to be expended for further discovery, pretrial and trial;

14 (e) The history of past settlement discussions, including disclosure of prior and any presently  
15 outstanding offers and demands;

16 (f) Any presently scheduled dates for a further status conference, pretrial conference or for trial;  
17 and

18 (g) Copies of any governing contracts or other documents which are central to the case.

19 Counsel should be prepared to present orally to the settlement judge a forthright evaluation of  
20 the likelihood of prevailing on claims and defenses. Counsel who will participate in the trial of the  
21 matter must be present at the settlement conference.

22 **Appearance and Participation in the Settlement Conference**

23 The person or persons having **FULL AND UNLIMITED** authority to settle the matter on behalf  
24 of each party shall appear in person at the settlement conference unless excused for good cause shown  
25 on written application received by the settlement judge no later than **March 26, 2009**, and such  
26 application is granted.

27 Participation in the settlement conference by or on behalf of a person or entity other than a party

1 as stated on the service list attached hereto, is within the sole discretion of the settlement judge. A  
2 request for such non-party participation must be served upon the other parties and a copy lodged with  
3 Judge Newsome's chambers by no later than **March 26, 2009**. Any opposition to such request must be  
4 served upon the other parties and lodged with chambers by **April 2, 2009**. Contact chambers at 510-  
5 879-3530 or 510-879-3532 to make arrangements to lodge such pleadings. **Such additional**  
6 **participants shall fully comply with this *Order*.**

7 **Exchange of Settlement Offers**

8 By no later than **March 12, 2009**, the Plaintiff(s) shall, in good faith, provide the Defendant(s)  
9 with a written offer of settlement. By no later than **March 26, 2009**, the Defendant(s) shall, in good  
10 faith, provide the Plaintiff(s) with a written counter-offer. By no later than **April 2, 2009**, the parties  
11 shall provide the settlement judge with copies of the Plaintiff(s) settlement offer and the Defendant(s)  
12 counter-offer.

13 **Conclusion of Settlement Conference**

14 The settlement conference will not conclude absent leave of the settlement judge, who may  
15 continue the conference from time to time at the judge's discretion. The settlement judge may issue any  
16 order deemed appropriate to facilitate settlement or the expeditious resolution of the dispute. The parties  
17 must make a good faith attempt to settle the matter before the settlement conference. Failure to comply  
18 with the terms and spirit of this order may lead to the imposition of sanctions under Bankruptcy Rule  
19 7016 and Fed.R.Civ.P. 16(f).

20 **NOTE:** The parties shall have two weeks from the date of entry of this order to notify Judge  
21 Riegle's courtroom deputy, Darla Sharp, if the participants are not available on the scheduled date of  
22 the settlement conference. However, the date given will be the only available date for the parties to  
23 meet with Judge Newsome in Las Vegas. **If the parties do not notify Ms. Sharp of their**  
24 **unavailability for the scheduled date, no continuance of the settlement conference will be granted.**

25 **IT IS SO ORDERED.**

26 \*\*END OF ORDER\*\*  
27  
28

1 COURT SERVICE LIST

2 Copies noticed through ECF to:

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4 Rob Charles

5 Susan Scann

6 Copies noticed through BNC to:

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